

## IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

Barbara Zaprala and John Zaprala, h/w  
 1079 Brentwood Drive  
 Pottstown, PA 19465

VS. : NO.

USI Services Group, Inc.  
 43 Fadem Road  
 Springfield, NJ 07081

**CIVIL COVER SHEET**

Local Rule 205.2(b) requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

<b><u>Commencement of Action:</u></b> ( <i>check one</i> )			<b><u>Amount in Controversy:</u></b>
<input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdiction <input type="checkbox"/> Declaration of Taking			<input type="checkbox"/> \$50,000 or less <input checked="" type="checkbox"/> More than \$50,000
<b><u>Case Type and Code</u></b> ( <i>check the most specific classification ONLY</i> ):			
<b><u>Appeals</u></b>		<b><u>Real Property</u></b>	<b><u>Negligence</u></b>
<input type="checkbox"/> DJ – Money Judgment <input type="checkbox"/> DJ – Landlord/Tenant <input type="checkbox"/> Drivers License Suspension <input type="checkbox"/> Vehicle Registration Suspension <input type="checkbox"/> Local Agency <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Zoning/Land Use		<input type="checkbox"/> Ejectment <input type="checkbox"/> Quiet Title <input type="checkbox"/> Mechanics Lien <input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Partition <input type="checkbox"/> Replevin <input type="checkbox"/> Other	<input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos <input type="checkbox"/> Other Toxic Tort <input type="checkbox"/> Other
<b><u>Contract</u></b>		<b><u>Professional Liability</u></b>	<b><u>Miscellaneous</u></b>
<input type="checkbox"/> Construction <input type="checkbox"/> Employment <input type="checkbox"/> Other		<input type="checkbox"/> Medical <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Other	<input type="checkbox"/> Appointment of Arbitrator <input type="checkbox"/> Class Action <input type="checkbox"/> Confession of Judgment <input type="checkbox"/> Debt Collection <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Name Change <input type="checkbox"/> Wrongful Death
<b><u>Intentional Tort</u></b>		<b><u>Equitable Relief</u></b>	
<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Libel/Slander <input type="checkbox"/> Fraud <input type="checkbox"/> Other		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Other	
<input type="checkbox"/> <b><u>Other</u></b> : _____ <small>(specify)</small>			



FOEHL & EYRE, P.C.

By: LAURIE A. McCARTHY, ESQUIRE  
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(610) 566-5926

Attorneys for Plaintiffs

BARBRA ZAPRALA and	:	COURT OF COMMON PLEAS
JOHN ZAPRALA, h/w	:	MONTGOMERY COUNTY, PA
1079 Brentwood Drive	:	
Pottstown, PA 19465,	:	
Plaintiffs	:	
v.	:	NO.
USI SERVICES GROUP, INC.	:	JURY TRIAL DEMANDED
43 Fadem Road	:	
Springfield, NJ 07081	:	

**N O T I C E**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint is served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Reference Service  
100 West Airy Street (Rear)  
Norristown, PA 19404  
(610) 279-9660, Extension 201

THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

By Laurie A. McCarthy  
LAURIE A. McCARTHY, ESQUIRE

**FOEHL & EYRE, P.C.**

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**Attorneys for Plaintiffs**

**BARBARA ZAPRALA and**

**JOHN ZAPRALA, h/w  
1079 Brentwood Drive  
Pottstown, PA 19465,**

**Plaintiffs**

**v.**

**USI SERVICES GROUP, INC.  
43 Fadem Road  
Springfield, NJ 07081**

**Defendant**

**COURT OF COMMON PLEAS**

**MONTGOMERY COUNTY, PA**

**NO.**

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiffs, Barbara and John Zaprala, by and through their undersigned counsel, hereby complain of Defendant and aver as follows:

1. Plaintiffs Barbara and John Zaprala are adult individuals residing at 1079 Brentwood Drive, Pottstown, Pennsylvania 19465.
2. Upon information and belief, Defendant, USI Services Group, Inc., hereinafter referred to as "USI", is a corporation with its principal place of business located at 43 Fadem Road Springfield, NJ 07081.
3. On or about March 10, 2007, Plaintiff Barbara Zaprala was an employee of Macy's department store.
4. Macy's is located at 680 W. Dekalb Pike, King of Prussia, Pennsylvania 19406.
5. On or about March 10, 2007, Plaintiff Barbara Zaprala slipped and fell on salt and sludge accumulation on the floor inside Macy's department store.

6. Plaintiff Barbara Zaprala's fall on March 10, 2007 inside Macy's resulted in serious and permanent injuries as set forth below.

7. Upon information and belief, at all times relevant hereto, Macy's employed USI to maintain the inside of the department store during work hours.

8. Upon information and belief, on or about March 10, 2007 USI was responsible for keeping Macy's clean and conditions safe during business hours.

9. USI acted by and through its agents/servants/employees acting in the course and scope of their employment.

10. As a result of the fall Plaintiff Barbara Zaprala violently hit her left knee and left hand directly on the hard marble-type floor in that area of the store.

11. Plaintiff Barbara Zaprala experienced the immediate onset of pain in her left knee as a result of the fall.

12. Plaintiff Barbara Zaprala's knee injury required surgery from which complications arose including, but not limited to, infection and a pulmonary embolism resulting in lung damage.

13. The injuries suffered by Plaintiff Barbara Zaprala were a direct and proximate result of the negligence, recklessness and carelessness of USI and were due in no manner whatsoever to any act or failure to act on the part of the Plaintiff.

14. As a direct and proximate result of the above-described injuries, Plaintiff suffered and will continue to suffer permanent pain and physical disability.

COUNT I- NEGLIGENCE  
BARBRA ZAPRALA V. USI SERVICES GROUP, INC.

15. The allegations contained in paragraphs one (1) through fourteen (14) are

incorporated herein by reference as though fully set forth at length.

16. As a direct and proximate result of Defendant's negligence, carelessness and recklessness, Plaintiff suffered severe and permanent injuries described hereinabove.

17. The fall was caused exclusively and solely by Defendant and/or its agents/servants'/employees' negligence, carelessness and recklessness in that:

- (a) Defendant and/or its agents/servants/employees failed to maintain the premises in a reasonably safe condition;
- (b) Defendant and/or its agents/servants/employees caused or permitted salt and/or sludge to accumulate upon the floor at a point where it posed an unreasonable risk of injury to Plaintiff and other business invitees;
- (c) Defendant and/or its agents/servants/employees failed to make a reasonable inspection of the floor which would have revealed the existence of the dangerous condition posed by the accumulation of sludge on the floor;
- (d) Defendant and/or its agents/servants/employees failed to have adequate control of the premises at all times;
- (e) Defendant and/or its agents/servants/employees failed to use due care under the circumstances;
- (f) Defendant and/or its agents/servants/employees failed to give warning of the dangerous condition posed by the sludge on the floor and failed to erect barricades or take any other safety precautions to prevent injury to the Plaintiff or other business visitors;
- (g) Defendant and/or its agents/servants/employees carelessly and negligently failed to remove the accumulation and sludge from the floor and keep the floor clean and clear of

dangerous conditions;

(h) Defendant and/or its agents/servants/employees carelessly and negligently failed to appreciate, consider, comprehend, discover, recognize and realize the dangers inherent in allowing the sludge to accumulate and to remain on the floor of the premises; and

(i) Defendant and/or its agents/servants/employees otherwise acted in a careless and negligent manner.

18. Defendant and/or its agents/servants/employees knew or reasonably should have known of the existence of the dangerous condition posed by the sludge on the floor.

19. As a direct and proximate result of Defendant's negligence, carelessness and recklessness, Plaintiff Barbara Zaprala sustained injuries to her left knee which have caused Plaintiff great pain and suffering and may continue for an indefinite time in the future and may be permanent.

20. As a direct and proximate result of Defendant's negligence, carelessness and recklessness, Plaintiff Barbara Zaprala sustained injuries which required surgery and she developed complications including, but not limited to, infection and pulmonary embolism resulting in lung damage.

21. As a direct and proximate result of Defendant's negligence, carelessness and recklessness, Plaintiff Barbara Zaprala was caused to suffer and will in the future continue to suffer physical pain, mental distress and a loss of the enjoyment and pleasures of her life.

22. As a direct and proximate result of Defendant's negligence, carelessness and recklessness, Plaintiff was forced to incur substantial medical bills for care and treatment of her injuries as aforesaid and will continue to incur expenses for medical care and treatment of those

injuries in the future.

23. As a direct and proximate result of Defendant's negligence, carelessness and recklessness, Plaintiff has been and will in the future be unable to attend to her usual and daily duties and employment, to her financial detriment and loss.

WHEREFORE, Plaintiff BARBARA ZAPRALA demands judgment in her favor and against Defendant USI SERVICES GROUP, INC., in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs and attorney's fees along with all other relief the jury deems to be just and equitable.

**COUNT II-LOSS OF CONSORTIUM**  
**JOHN ZAPRALA V. USI SERVICES GROUP, INC.**

24. The allegations contained in paragraphs one (1) through twenty three (23) are incorporated herein by reference as though fully set forth at length.

25. At all relevant times hereto, Plaintiffs Barbara and John Zaprala were husband and wife.

26. As a result of the carelessness, negligence and recklessness of Defendant, Plaintiff John Zaprala has been required to expend money and incur financial obligations in order to obtain medical care and treatment for his wife.

27. As a result of the injuries to his wife, Plaintiff John Zaprala has suffered emotional distress and anguish.

28. As a result of the injuries to his wife, Plaintiff John Zaprala has been deprived of his wife's aid, comfort, services and companionship, all to his great detriment and loss.

WHEREFORE, Plaintiff JOHN ZAPRALA, demands judgment against Defendant USI SERVICES GROUP, INC., in an amount in excess of Fifty Thousand Dollars (\$50,000.00)

together with interest, costs and any other relief that the Court deems appropriate.

DATE: March 3, 2009

**VERIFICATION**

I, Barbra Zaprala, verify that I am the Plaintiff in the foregoing Complaint, and that the statements made in same are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. Sec. 4904, relating to unsworn falsification to authorities.

Date: 2-25-09

Barbara Zaprala  
BARBRA ZAPRALA

**VERIFICATION**

I, John Zaprala, verify that I am the Plaintiff in the foregoing Complaint, and that the statements made in same are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. Sec. 4904, relating to unsworn falsification to authorities.

Date: 02-25-09

  
JOHN ZAPRALA

**FOEHL & EYRE, P.C.**

**Attorneys for Plaintiffs**

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Springfield, NJ 07081	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a true and correct copy of the attached  
Complaint upon the following party via Certified Mail, Return Receipt Requested:

USI Services Group, Inc.  
43 Fadem Road  
Springfield, New Jersey 07081

FOEHL & EYRE, P.C.

  
LAURIE A. McCARTHY ESQUIRE

DATE: March 3, 2009